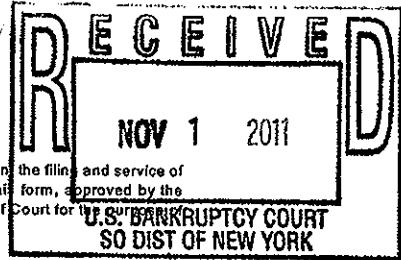


JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the U.S. Bankruptcy Court initiating the civil docket sheet.



PLAINTIFFS

JAMES B SUMPTER

DEFENDANTS

DELPHI CORPORATION, et al.,
AND SUCCESSOR DPH HOLDINGS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JAMES B SUMPTER, PRO SE
21169 WESTBAY CIRCLE, NOBLESVILLE, IN 46062
317-877-0736

ATTORNEYS (IF KNOWN)

SKADDEN, ARPS, SLATE, MEAGHER
& FROM LLP AND
BUTZEL LONG

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 28 USC 158 APPEAL OF BANKRUPTCY
COURT ORDER DENYING AMENDED MOTION FOR RECOUPMENT ON
BEHALF OF DELPHI SALARIED RETIREES

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date & Case No.

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	28 USC 158	[] 410 ANTITRUST				
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881	28 USC 157	[] 450 COMMERCE				
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	PERSONAL PROPERTY	[] 630 LIQUOR LAWS		[] 460 DEPORTATION				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	PROPERTY RIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)				
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 820 COPYRIGHTS	[] 480 CONSUMER CREDIT				
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 830 PATENT	[] 490 CABLE/SATELLITE TV				
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 690 OTHER	[] 840 TRADEMARK	[] 810 SELECTIVE SERVICE				
[] 190 OTHER CONTRACT			LABOR		[] 850 SECURITIES/COMMODITIES/ EXCHANGE				
[] 195 CONTRACT PRODUCT LIABILITY			[] 710 FAIR LABOR STANDARDS ACT	SOCIAL SECURITY	[] 875 CUSTOMER CHALLENGE				
[] 198 FRANCHISE			[] 720 LABOR/MGMT RELATIONS	[] 861 HIA (1395(f))	[] 876 CHALLENGE 12 USC 3410				
			[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 862 BLACK LUNG (923)	[] 890 OTHER STATUTORY ACTIONS				
			[] 740 RAILWAY LABOR ACT	[] 863 DYNC/DIWW (405(g))	[] 891 AGRICULTURAL ACTS				
			[] 790 OTHER LABOR LITIGATION	[] 864 SSID TITLE XVI	[] 892 ECONOMIC STABILIZATION ACT				
			[] 791 EMPL RET INC SECURITY ACT	[] 865 RSI (405(g))	[] 893 ENVIRONMENTAL MATTERS				
					[] 894 ENERGY ALLOCATION ACT				
					[] 895 FREEDOM OF INFORMATION ACT				
					[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE				
					[] 950 CONSTITUTIONALITY OF STATE STATUTES				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

☐ 2b. Removed from State Court AND at least one party is pro se.

**APPEAL TO DISTRICT JUDGE FROM
BANKRUPTCY JUDGE JUDGEMENT**

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

21169 WESTBAY CIRCLE
NOBLESVILLE, IN 46062
HAMILTON COUNTY, IN

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

5725 DELPHI DRIVE
TROY, MI 48098
OAKLAND COUNTY, MI

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 10/31/2011	SIGNATURE OF ATTORNEY OF RECORD James B. Sample pro, se	ADMITTED TO PRACTICE IN THIS DISTRICT [] NO [] YES (DATE ADMITTED Mo. ____ Yr. ____) Attorney Bar Code #
--------------------	--	---

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)